



Covid-19 Regulatory Update

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Covid-19 Regulatory Update: 23 April 2020

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Covid-19 related guidelines and regulations: <https://www.gov.za/coronavirus/guidelines>
 Covid-19 Directives and notices relating to legal practitioners: <http://www.derebus.org.za/directives-covid-19/> /
<https://lpc.org.za/>

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AGRICULTURE

Media Release

Department of Agriculture, Land Reform and Rural Development. Minister Thoko Didiza participates at G20 Agriculture Ministers Meeting on Coronavirus COVID-19. 21 April 2020.

“Today, Minister Thoko Didiza (MP) participated in the G20 virtual meeting of Ministers of Agriculture. During her submission, the Minister made the meeting aware that primarily all the countries are concerned about protecting the wellbeing of their citizens from this devastating novel corona virus... She said, the agricultural community have noted the negative impact some of these measures have on food security of nations particularly those that rely on imports for a range of foodstuffs. “At the same time, we have noted that, a number of countries have allowed the agriculture and agribusinesses to remain as essential services. Albeit under strict hygiene conditions, she added.”

<https://www.gov.za/speeches/minister-thoko-didiza-participates-g20-agriculture-ministers-meeting-coronavirus-covid-19>

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CONFIRMED CASES

Media Releases

Department of Health. Minister Zweli Mkhize confirms total of 3 635 cases of Coronavirus COVID-19. 22 April 2020.

“As at today, the total number of confirmed COVID-19 cases in South Africa is 3 635. The total number of tests conducted to date is 133 774, of which 6 868 were done in the last 24 hours. The provincial breakdown is as follows:

- Gauteng: 1224;
- Western Cape: 1079;
- Kwazulu – Natal: 758;
- Eastern Cape: 377;
- Free State: 106;
- Limpopo: 27;
- North West: 24;
- Mpumalanga: 23;
- Northern Cape: 16; and
- Unallocated: 1.

Today, we regrettably report 7 more COVID-19 related deaths. Five of them occurred in the Western Cape and two in KwaZulu-Natal. This increases the total to 65.”

<https://www.gov.za/speeches/minister-zweli-mkhize-confirms-total-3-635-cases-coronavirus-covid-19-22-apr-2020-0000>

Western Cape Office of the Premier. Premier Alan Winde update on the Coronavirus COVID-19 as of 21 April. 22 April 2020.

“As of 17h00 on 21 April, the Western Cape has recorded 1068 confirmed cases of COVID-19 infection.

- Total confirmed COVID-19 cases: 1068;
- Total recoveries: 229;
- Total deaths: 22;
- Total active cases (currently infected patients): 817;
- Patients in hospital: 43 of which are 19 in ICU; and
- Total tests conducted: 20268.”

<https://www.gov.za/speeches/premier-alan-winde-update-coronavirus-covid-19-21-april-22-apr-2020-0000>

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COURTS

Directives

GAUTENG Supplementary Directive in re Court Operations during and post extended Covid-19 National lockdown_17 04 2020.

https://ipc.org.za/download/214/directives/97049/gauteng-supplementary-directive-in-re-court-operations-during-and-post-extended-covid-19-national-lockdown_17-04-2020.pdf

Labour Appeal Court: Directive in respect of access in light of the extended Covid-19 national lockdown.

Effective immediately upon publication on Tuesday 21 April 2020 until the 30 June 2020.

Copy available on request from alert@lexinfo.co.za

Western Cape High Court (Judge President JM Hlophe). Access to court in light of Covid-19 lockdown.

Addendum to Para 4, 8, 10, 11, 12 and 14 and the addition of 6A, 16A, 17A and 22 in light of the extended lockdown. Implementation date: 17 April 2020 until 01 May 2020 (subject to further periods as may be directed by the President of the Republic of South Africa). Includes Covid-19 Lockdown backlog measures.

<https://ipc.org.za/download/214/directives/97051/western-cape-high-court-supp-directives-and-duty-roster-17apr2020.pdf>

Original Directive published on 6 April 2020 available at <https://ipc.org.za/download/214/directives/97050/supplemented-wc-high-court-practice-directives-covid-19-lockdown.pdf>

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CRIMINAL LAW AND PROCEDURE

Media Statement

SA Government News Agency. Domestic violence incidents decrease.

2020 Apr 22 SA News

“The COVID-19 lockdown has seen domestic violence related crimes decrease significantly since the introduction of the National State of Disaster regulations. These are crimes related to - but not limited to - murder, attempted murder, rape and sexual assault. This much was on Wednesday revealed by Police Minister Bheki Cele during a visit to KwaZulu-Natal to assess adherence to the National State of Disaster regulations gazetted last month. The regulations were introduced by government in an attempt to curb the spread of the virus, which to-date has affected over 3 400 people and claimed at least 58 lives in the country.”

<https://www.sanews.gov.za/south-africa/domestic-violence-incidents-decrease>

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EDUCATION

Media Releases

Department of Employment and Labour. Minister Thulas Nxesi participates in G20 virtual meeting to discuss measures to combat Coronavirus COVID-19 pandemic, 23 Apr. 22 April 2020.

“As countries around the globe are facing the unprecedented crisis of the Covid-19 impact, the G20 Presidency (Saudi Arabia), will be hosting an urgent Labour and Employment Ministers meeting, to discuss possible common positions to respond to the Covid-19 situation. The virtual meeting is set to be held on Thursday, 23 April 2020, from 2h00 PM – 4h15 PM UTC+3. Twenty Labour and Employment Ministers representing their respective countries, joined by the Social Partners and International Organisations (the ILO, OECD and World Bank) will be discussing measures taken to fight the pandemic from an employment, labour, and social security dimension.”

<https://www.gov.za/speeches/minister-thulas-nxesi-participates-g20-virtual-meeting-discuss-measures-combat-coronavirus>

SA Government News Agency. NSFAS students urged to open bank accounts.

2020 Apr 22 SA News

“The National Student Financial Aid Scheme (NSFAS) has urged qualifying students to open bank accounts to ensure a more efficient disbursement of funds from institutions. NSFAS Administrator, Dr Randall Carolissen, said the scheme is working on a banking model that will eliminate all intermediaries in the disbursement value chain. The model will also facilitate direct deposits from NSFAS into student bank accounts. “At present NSFAS, through its NSFAS Wallet, is already paying directly to students from 32 of the 50 Technical and Vocational Education and Training (TVET) colleges. During this week, NSFAS will be extending this facility to three additional colleges to ensure improved flow of funds directly to students. Students will be informed accordingly,” Carolissen said.”

<https://www.sanews.gov.za/south-africa/nsfas-students-urged-open-bank-accounts>

Western Cape Education. MEC Debbie Schäfer on developed online safety curriculum. 22 April 2020.

“The lockdown period has brought South Africa face to face with the challenges of the Fourth Industrial Revolution. While internet access is by no means universal or available to all, during this time many more children have been engaging in the online space than ever before. As our lives, and our learning, are increasingly connecting with the digital space, many parents are rightfully concerned about the safety of their children when accessing the internet. They are at risk from predators, bullying, fraud and negative social influences – and are often more advanced in their online skills than their parents are. With this in mind, the WCED has partnered with Google to develop an Online Safety curriculum for the Life Orientation subject at schools. This curriculum seeks to teach learners the fundamentals of digital safety so that they can explore the online world safely. This curriculum was piloted in 2019 so that areas for development could be identified.”

<https://www.gov.za/speeches/mec-debbie-sch%C3%A4fer-developed-online-safety-curriculum-22-apr-2020-0000>

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EMPLOYMENT LAW

Directive

Labour Appeal Court: Directive in respect of access in light of the extended Covid-19 national lockdown.

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FINANCIAL LAW

Communication Note

Financial Intelligence Centre Act 38 of 2001. Joint Communication 2 of 2020 Covid-19: Supervisory response. 21 April 2020.

"This communication sets out the supervisory body responses of the Prudential Authority, the National Payment System Department, the Financial Surveillance Department of the South African Reserve Bank, as well as the Financial Sector Conduct Authority (jointly referred to as the Authorities) having consulted the Financial Intelligence Centre (FIC) regarding the Covid-19 pandemic. This response focuses on the observed and possible impact of the pandemic on South African accountable institutions (AIs) which are supervised by the Authorities. It also relates to ensuring the compliance of AIs with their legislative obligations in terms of the Financial Intelligence Centre Act, Act 38 of 2001 (the FIC Act)."

<https://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/9878/Joint%20Communication%20of%202020%20-%20Covid%2019%20Supervisory%20response.pdf>

Media Release

The Presidency. President Cyril Ramaphosa: AU Bureau of heads of state and government meeting with African business leaders. 22 April 2020.

"The Bureau of the Assembly of Heads of State and Government has met on two occasions since the spread of the novel coronavirus into Africa. In these meetings, leaders acknowledged COVID-19 as an unprecedented public health disaster and that urgent action is needed to stem the tide of the virus on the continent. We agreed on the need for a comprehensive and coordinated continental approach, and that the AU, Regional Economic Communities and all health institutions should redirect their efforts to stopping the spread of the virus. We recognised critical role of the Africa Centres for Disease Control and Prevention in the fight against communicable diseases in Africa in general and the fight against COVID-19 in particular. The Bureau made pledges of \$4.5 million towards boosting the capacity of the Africa CDC."

<https://www.gov.za/speeches/president-cyril-ramaphosa-au-bureau-heads-state-and-government-meeting-african-business>

Treasury Instructions

National Treasury Instruction 3 of 2020/2021. Covid-19 Disaster Management Central Emergency Procurement Strategy for PFMA Organs of State. 15 April 2020.

"The purpose of this National Treasury Instruction is to provide for a disaster management central emergency procurement process for Personal Protective Equipment (PPE) that may be implemented by accounting officers of departments and constitutional institutions and accounting authorities of public entities listed in Schedules 2 and 3 to the Public Finance Management Act (PFMA), 1999 (Act No. 1 of 1999)."

<http://www.treasury.gov.za/legislation/pfma/TreasuryInstruction/NT%20Instruction%2003%20of%202020-21%20COVID-19%20Disaster%20Management%20Central%20Emergency%20Procurement%20Strategy.zip>

National Treasury Instruction 2 of 2020/2021: Utilisation of funds withdrawn from National Revenue Fund in terms of Section 29 of Public Finance Management Act. 22 April 2020.

<http://www.treasury.gov.za/legislation/pfma/TreasuryInstruction/NT%20Instruction%20Note%202%2022%20April%202020.pdf>

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LEGAL PROFESSIONALS

Media Comment

LPC to assist struggling lawyers

The Legal Practice Council is in the throes of establishing a Benevolent Scheme to assist legal practitioners who have been negatively impacted financially by the Covid-19 lockdown, notes Legalbrief. According to a letter to the Black Lawyers Association by LPC chairperson Kathleen Matolo-Dlepu, the council plans to approach the Legal

Practitioners Fidelity Fund (LPFF) for funding for the scheme and has put together a team that will negotiate with and work together with the LPFF on the nature of this fund, and the criteria which will be required for legal practitioners to access funds. She adds: 'Council will advise all legal practitioners on the application process and criteria as soon as these details have been finalised.'

Legalbrief 23 April 2020 (subscription required)

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LOCKDOWN REGULATIONS

Media Releases

Department of Planning, Monitoring and Evaluation. Minister Jackson Mthembu welcomes suspension of Tebogo Mamorobela for allegations of breach of Coronavirus COVID-19 lockdown regulations. 22 April 2020.

"The Minister in the Presidency, Mr Jackson Mthembu notes and welcomes the suspension of Ms Tebogo Mamorobela from the Board of Trustees of Brand South Africa pending the outcomes of an inquiry into possible misconduct and bringing the organisation into disrepute in terms of the Brand SA Trust Deed. The Minister received a report from the Board of Trustees indicating the suspension of Ms Mamorobela in terms of Clause 25 of the Trust Deed, following charges laid against her in Limpopo for violating the national lockdown regulations in terms of the National Disaster Management Act by allegedly hosting a lockdown party."

<https://www.gov.za/speeches/minister-jackson-mthembu-welcomes-suspension-tebogo-mamorobela-allegations-breach>

South African Police Service. Minister Bheki Cele: visit to KwaZulu-Natal to assess adherence to the Coronavirus COVID-19 lockdown regulations. 22 April 2020.

"We pay tribute to five members of the security forces who have lost their lives during the lock down. Just yesterday in Gauteng, a female detective sergeant was shot and killed in Sebokeng last night; while a member of the SANDF lost his life at a roadblock after a truck driver lost control and crashed onto the embankment, landing on the Soldier who was declared dead on the scene. Another soldier also lost his life in an accident in Mpumalanga over the weekend, while two SAPS members were buried in Limpopo and the Northern Cape respectively after they were both killed in the line of lockdown duty. To this end, over 190 roadblocks have been held daily countrywide, and 681 vehicle checkpoints mounted. Daily – both day and night and including weekends, members of the security forces have been patrolling the streets."

<https://www.gov.za/speeches/minister-bheki-cele-visit-kwazulu-natal-assess-adherence-coronavirus-covid-19-lockdown>

Media Statement

SA Government News Agency. 131 public officials arrested for violating COVID-19 regulations.

2020 Apr 22 SA News

"Police Minister Bheki Cele has expressed concern at the large number of public officials arrested for violating COVID-19 regulations. Cele, during a visit to KwaZulu-Natal on Wednesday to assess adherence to the National State of Disaster regulations, revealed that 131 officials have been arrested since last month. The arrested include security forces, government officials and councillors. Among them were two Sergeants from Katlehong, Gauteng, who were arrested after allegedly demanding a bribe from a businessman, who had contravened the lockdown regulations on Monday. Cele said the two allegedly promised the businessman that they would destroy the docket in exchange for R12 000."

<https://www.sanews.gov.za/south-africa/131-public-officials-arrested-violating-covid-19-regulations>

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SAFETY AND SECURITY

Media Release

Department of Defence. Defence on increase of SANDF members to strengthen fight against Coronavirus COVID-19 pandemic. 22 April 2020.

"Following the decision by the Commander-in-Chief of the South African National Defence Force (SANDF), His Excellency President Cyril Ramaphosa to increase the numbers of the SANDF members to strengthen the fight against the Covid-19 pandemic, a contingency plan has been put in place to mitigate the spread of the virus. This is part of the total government scenario planning, taking into consideration the worldwide trends and our own scientific analysis and experience. Various skills within the SANDF will be deployed in support of other government departments to deal decisively with contingencies that might arise. In the main, it will capacitate the engineering capabilities, healthcare capabilities and logistics capabilities."

<https://www.gov.za/speeches/defence-increase-sandf-members-strengthen-fight-against-coronavirus-covid-19-pandemic-22>

Parliament. Joint Standing Committee on defence supports deployment of additional members of SANDF. 22 April 2020.

“The President is compelled in terms Section 201 (3) of the Constitution and Section 18 (2) of the Defence Act (No 42 of 2002) to inform Parliament regarding the reasons, place, number of soldiers, cost involved, as well as the period of employment, to which Parliament must apply its mind and express its view.

The committee is satisfied by the reasons given and the necessity to employ an additional 73 180 members of the SANDF in the fight against the spread of the Covid-19 virus, particularly in light of the information that South Africa is still in the early stages of the pandemic.”

<https://www.parliament.gov.za/press-releases/joint-standing-committee-defence-supports-deployment-additional-members-sandf>

Media Statement

SA Government News Agency. President Ramaphosa: Unified Africa can curb COVID-19.

2020 Apr 22 SA News

“Only a unified and coordinated response offers Africa the best possible chance of containing the COVID-19 outbreak. To achieve this, the continent’s leading business people will have to be a catalytic proponent confronting what President Cyril Ramaphosa, in his capacity as African Union chairperson, has called one of Africa’s defining modern day challenges. President Ramaphosa made the remark while addressing leading African businesspeople and various heads of state during a virtual meeting on Wednesday. “The continent’s private sector is well placed to assist in many of our most pressing challenges. Combining our resources, we can implement the screening, testing and contact tracing programmes that have proved effective in limiting the spread of the virus,” said the President. He said the business community can shift manufacturing infrastructure towards the production of essential medical goods and collaborate in assuring the resilience of existing supply chains for essential products like food and pharmaceuticals.

<https://www.sanews.gov.za/south-africa/president-ramaphosa-unified-africa-can-curb-covid-19>

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WATER & SANITATION

Media Releases

Department of Water and Sanitation. Water and Sanitation provides update to Parliament on delivery of services to curb the spread of Coronavirus COVID-19. 22 April 2020.

“The Ministry of Human Settlements, Water and Sanitation led by Minister Lindiwe Sisulu and her Deputies, DM David Mahlobo and DM Pamela Tshwete, engaged with the joint Portfolio Committee and Select Committee on Human Settlements, Water and Sanitation yesterday, 21 April, to appraise the Committees on the critical work delivered across the country to curb the spread of the Coronavirus (COVID-19). Minister Sisulu laid the ground for the presentation by detailing all the work that led to the President’s declaration of the State of National Disaster, which then precipitated the actions that followed and are still continuing by the two departments, namely Human Settlements and Water and Sanitation.”

<https://www.gov.za/speeches/water-and-sanitation-provides-update-parliament-delivery-services-curb-spread-coronavirus>

KwaZulu-Natal Human Settlements. KwaZulu-Natal launches Coronavirus COVID 19 informal settlements sanitisation programme. 21 April 2020.

“In response to the declaration of Coronavirus as a national disaster, the KZN Provincial Executive Council has directed the Human Settlements Department to embark on an intensive sanitisation programme in informal settlements which continue to pose a high risk since the virus thrives in conditions where people are in close contact. It is against this background that members of the Provincial Executive Council led by KwaZulu-Natal Premier Sihle Zikalala accompanied by Human Settlements and Public Works MEC Peggy Nkonyeni and Agricultural and Rural Development MEC Bongzi Sithole-Moloi officiate at the provincial launch of the Covid-19 Informal Settlements Sanitisation Programme to curb further spreading of the virus and infections in densely populated communities.”

<https://www.gov.za/speeches/kwazulu-natal-launches-coronavirus-covid-19-informal-settlements-sanitisation-programme-21>

Parliament of South Africa. Parliament welcomes additional allocation of funds for provision of water. 22 April 2020.

“The Chairpersons of the Portfolio Committee on Human Settlements, Water and Sanitation – and the Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements, Ms Machwene Semanya and Mr China Dodovu, welcome the announcement made by President Cyril Ramaphosa of an additional R20 billion to fund emergency water and sanitation provision during the State of National Disaster. “The announcement is a confirmation of the extent to which the government is willing to go to empower our people to fight this dreaded Covid-19 disease. The additional resources are a much-needed boost to the R306 534 000 budget already reallocated by the Department of Water and Sanitation,” said Ms Semanya.”

<https://www.gov.za/speeches/parliament-welcomes-additional-allocation-funds-provision-water-22-apr-2020-0000>

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